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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **MIGUEL ANGEL MUNOZ,**

9 **Plaintiff**

10 **v.**

11 **R. M. GALICIA, INC. d/b/a Progressive**
12 **Management Systems,**

13 **Defendant**

CASE NO. 1:22-CV-0842 AWI BAM

ORDER CLOSING CASE IN LIGHT OF
STIPULATION FOR DISMISSAL WITH
PREJUDICE

(Doc. No. 19)

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15 On December 8, 2022, the parties filed a stipulation to dismiss this case with prejudice, but
16 with a request for the Court to retain jurisdiction. See Doc. No. 19. The stipulation is made
17 pursuant to Federal Rule of Civil Procedure 41(a)(i)(A)(ii). See id.

18 Rule 41(a)(1), in relevant part, reads:

19 (A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a
20 notice of dismissal before the opposing party serves either an answer or a motion
21 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
22 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
dismissal is without prejudice.

23 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not
24 require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood
25 Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d
26 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); In re
27 Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989).
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1 Here, the parties in this case have signed the stipulated dismissal. See Doc. No. 19.
2 Because all appearing parties have signed the stipulated dismissal with prejudice, this case has
3 terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A); Yesh Music, 727 F.3d at 362;
4 Commercial Space, 193 F.3d at 1077.

5 Therefore, IT IS HEREBY ORDERED that the Clerk is to CLOSE this case in light of the
6 parties' filed and properly signed Rule 41(a)(1)(A)(ii) Stipulation Of Dismissal with prejudice, but
7 as stipulated by the parties, the Court will retain jurisdiction in order to enforce, if necessary, the
8 terms of the settlement agreement.
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11 IT IS SO ORDERED.

12 Dated: January 24, 2023



13 SENIOR DISTRICT JUDGE
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